



EXPRESS MAIL NO. EL264464404US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Patricia D. MURPHY *et al.*

Application No.: 09/084,471

Filed: May 22, 1998

For: **NOVEL CODING SEQUENCE
HAPLOTYPES OF THE HUMAN
BRCA2 GENE**

Group Art Unit: 1655

Examiner: Zitomer, S.

Attorney's Docket No: 53710031US02

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed on **September 1, 1999**. Applicants respectfully request the reconsideration of the present Application in view of the following remarks. It is believed that no extension fees are required. However, if any fees are required in order to maintain the pendency of the instant application, the Examiner is expressly authorized to charge such to Howrey & Simon's Deposit Account No. 08-3038.

The Examiner requires restriction pursuant to 35 U.S.C. §121 to one of the allegedly seven (7) separate and distinct inventions. Applicants elect Group 1 with traverse.

MPEP §803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that it would not involve a serious burden to the Examiner to examine all of the present claims. Applicants have discovered polypeptide sequences that represent different breast cancer gene (BRCA2) coding sequences, the corresponding protein sequences, and the methods of using and detecting these sequences. It would not involve a serious burden to the Examiner to search the literature to determine if anyone else has derived, detected, and utilized these sequences. Accordingly, Applicants request that the Examiner withdraw the restriction requirement.

Respectfully submitted,

Date: October 1, 1999

HOWREY & SIMON

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